IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WA.No. 2044 of 2004(E)

AGAINST THE JUDGEMENT IN OP.22425/1999 Dated 11/10/2004
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APPELLANT: PETITIONER

K.T. THOMAS, KINATTUKARA HOUSE,
P.O. KALAKETTY.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:
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1. THE KERALA CO-OPERATIVE TRIBUNAL,
THIRUVANANTHAPURAM.

2. THE THIDANADU SERVICE CO-OPERATIVE
BANK LTD.NO.3990, P.O. CHEMMALAMATTOM,
REPRESENTED BY ITS SECRETARY.

3. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, KOTTAYAM.

BY GOVERNMENT PLEADER K.SANDESH RAJ
SRI.MATHAI M PAIKADAY(SR.)
SRI.K.B.GANGESH
SRI.FEBIN J.VELUKARAN
SRI.JOE JOSEPH KOCHIKUNNEL
SRI.FEBIN J.VELUKARAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ

W.A.2044/2004

Dated this the 6th day of September, 2007

JUDGMENT

Radhakrishnan, J

It is unnecessary to refer to the facts of the case in detail for the disposal of this appeal. Ext.P1 is the award passed by the Arbitrator directing the bank to pay to the petitioner for the period from 16.12.1985 to 31.7.1991 an amount calculated at monthly rate of 50% of salary eligible to him, if he had continued in the service of the bank, as damages. Against that decision an appeal was preferred before the Tribunal which was dismissed by Ext.P4 judgment dated 11.6.1999 upholding the order of the Arbitrator. Aggrieved by the same, O.P.22425/1999 was filed before the learned Single Judge and found no illegality in the award passed by the Arbitrator which was confirmed by the Tribunal. Considering the facts and circumstances of the case, we find no reason to upset the award which in our view is just and proper.

2. Counsel appearing for the appellant submitted that the award passed by the Arbitrator has not been implemented so far.

3. In such circumstances, we are inclined to dispose of this appeal with a direction to the second respondent to disburse the amount as per the award with 9% interest per annum from 29.4.1993 till the date of payment. The amount would be disbursed within a period of two weeks from the date of receipt of a copy of this judgment.

4. Counsel for the appellant also submits that he is aged 76 and he is entitled to get gratuity and other benefits. We express no opinion on that contention and the petitioner if so advised may take up the matter before the appropriate authority.

K.S.RADHAKRISHNAN
Judge

A.K.BASHEER
Judge

mrcs